

REMARKS

Reconsideration is requested.

Claims 1-3, 5-6 and 27-28 have been canceled, without prejudice.

Claims 10-14 and 16 have been withdrawn from consideration. Rejoinder and allowance of the withdrawn claims are requested along with allowance of the product claims.

Claim 18 has been amended to further define the claimed invention. Support for the amendment may be found in paragraphs 2 and 3 of the application. No new matter has been added.

The Section 112, first paragraph, rejection of claim 28 will be moot upon entry of the above amendments. Entry of the amendments is requested to at least reduce the issues for appeal.

The Section 112, second paragraph, rejection of claims 4, 7-9, 15, 17-26 and 28 is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following comments.

The applicants understand the objection to be based on the recitation of "consisting essentially of" in claim 18. The Examiner is requested to advise the undersigned in the event the applicants have misunderstood the Examiner's comments.

As previously submitted, the wording of the specification clearly supports the consideration according to which the colourless solution in accordance with the claimed invention does not comprise water but only organic solvent medium, see US 2002/0051796, paragraph 10, paragraph 11, 3rd line, and paragraph 14.

Moreover, the attached experimental evidence is submitted (see attached pictures) in order to demonstrate that the presence of water in a solution according to the invention results in dramatic alteration of its associated properties.

Two solutions have been prepared based on the protocol set forth in example 1, disclosed in the specification of US 2002/0051796, page 3, paragraphs 58 to 62.

The first solution, made in accordance with the invention, comprises a self-adhesive polymer and 50% of ethyl acetate as organic solvent medium by weight of the total weight of the composition (solution 1).

A second solution has been prepared, similarly to the previously one, except that it comprises 40% of organic solvent medium and 10% of water by weight of the total weight of the composition (solution 2).

It can be clearly seen from Figures 1 and 2, that the presence of water in a solution according to the invention strikingly alters the colourless aspect of the solution resulting in a more opaque composition.

These data show that the combination of the organic solvent with the considered polymer does not have the same behavior in the absence or the presence of water. The transparent and homogenous composition is obtained in absence of water.

Moreover, when the mixture of water, organic solvent and polymers of solution 2 is left to evaporate, the surface of the composition covers with microcraters, i.e., surface defects.

It is well acknowledged that the alteration of smoothness of an adhesive film surface with such craters will clearly result in a worsening of the adherence abilities of such a film.

By contrast, the vaporization of the solvent of solution 1, i.e., organic solvent without water does not undergo this phenomenon.

Consequently, the quality of adherence of an adhesive film obtained with a solution in accordance with the invention is clearly optimized by the carrying out of mixtures based on polymer(s) and solvent(s) elected according to the claimed invention.

Accordingly, these data show that the introduction of water materially changes the characteristics of the instantly claimed.

As the consequence, the presence of the expression "consisting essentially of" is clearly justified as the addition of a component not characterizing the solution subject-matter of claim 18 may materially affect its properties.

Withdrawal of the Section 112, second paragraph, rejection of claims 4, 7-9, 15, 17-26 and 28 is requested.

The Section 103 rejection of claims 4, 7-9, 15, 17-22, 25, 26 and 28 over Higo (WO 96/16642) in view of Hori (U.S. Patent No. 4,500,683) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The solution of the invention is characterized, inter alia, by its colourless aspect, the instantaneous cleansing or care properties of the skin, and a particular adhesiveness.

Those properties are a direct consequence of the inclusion of specific compounds and amounts used to carry out the solution of the invention.

As previously demonstrated, the presence of other compounds than those initially listed in claim 18 may dramatically affect those properties.

An object of Higo et al is to provide a means to control the permeation of drugs in order to increase the percutaneous absorbability of drugs through *stratum corneum* of skin (see U.S. Patent 5,866,157, Col. 1, lines 41-43).

Such object is achieved by providing a matrix type patch formulation that must comprise at least 10% of tackifying resin (see U.S. Patent 5,866,157, Col. 4, lines 28-37).

The teaching of Higo et al does not disclose any formulation that could be useful to achieve the invention of the instant application as defined in claim 18.

The teaching of Hori et al does not provide the necessary information to complement the defect of the teaching of Higo et al with regard to the presently claimed invention.

Therefore, the claims are submitted to be patentable over the cited combination of art. Withdrawal of the Section 103 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

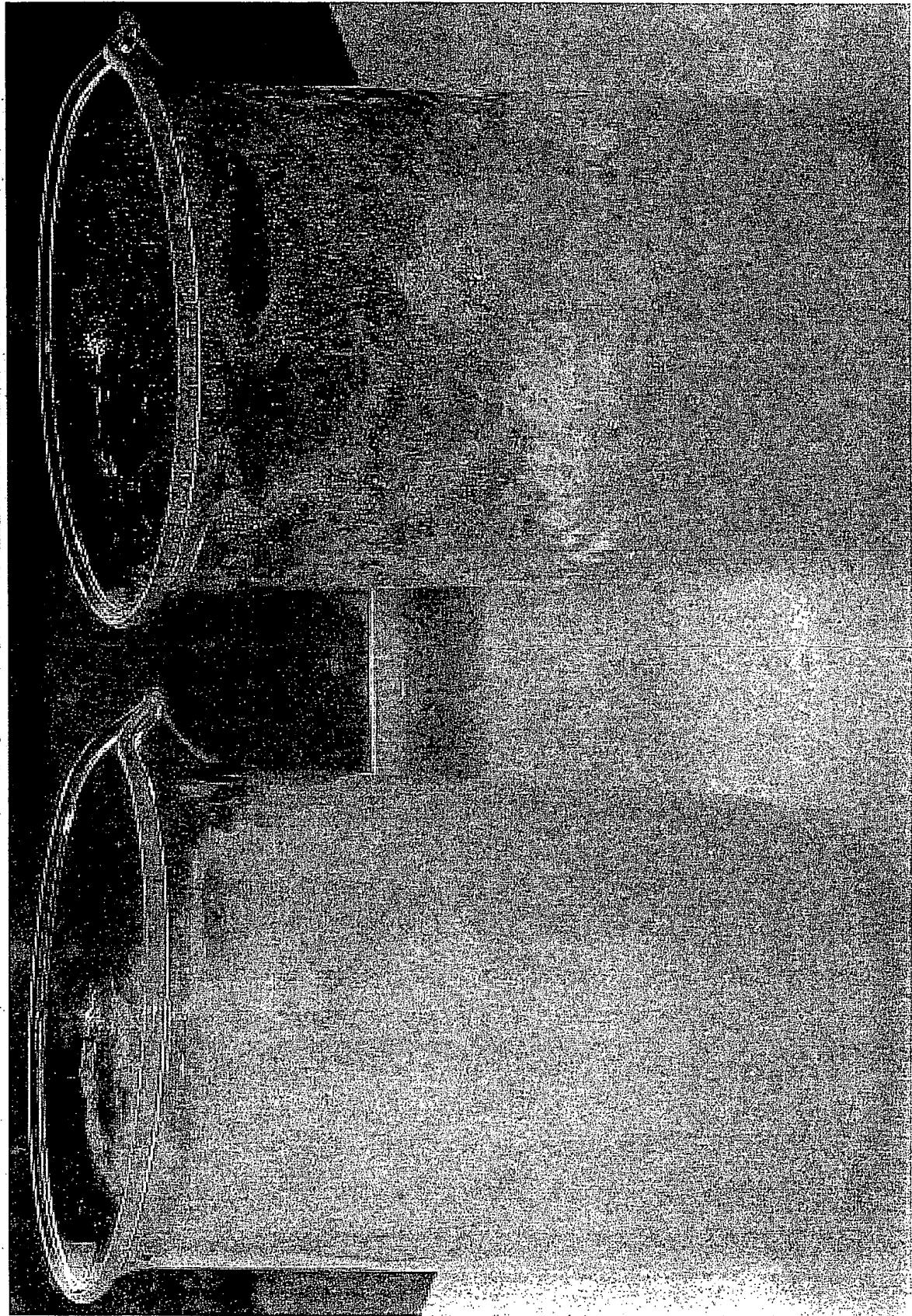


B. J. Sadoff

Reg. No. 36,663

BJS:pp
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

FIGURE I



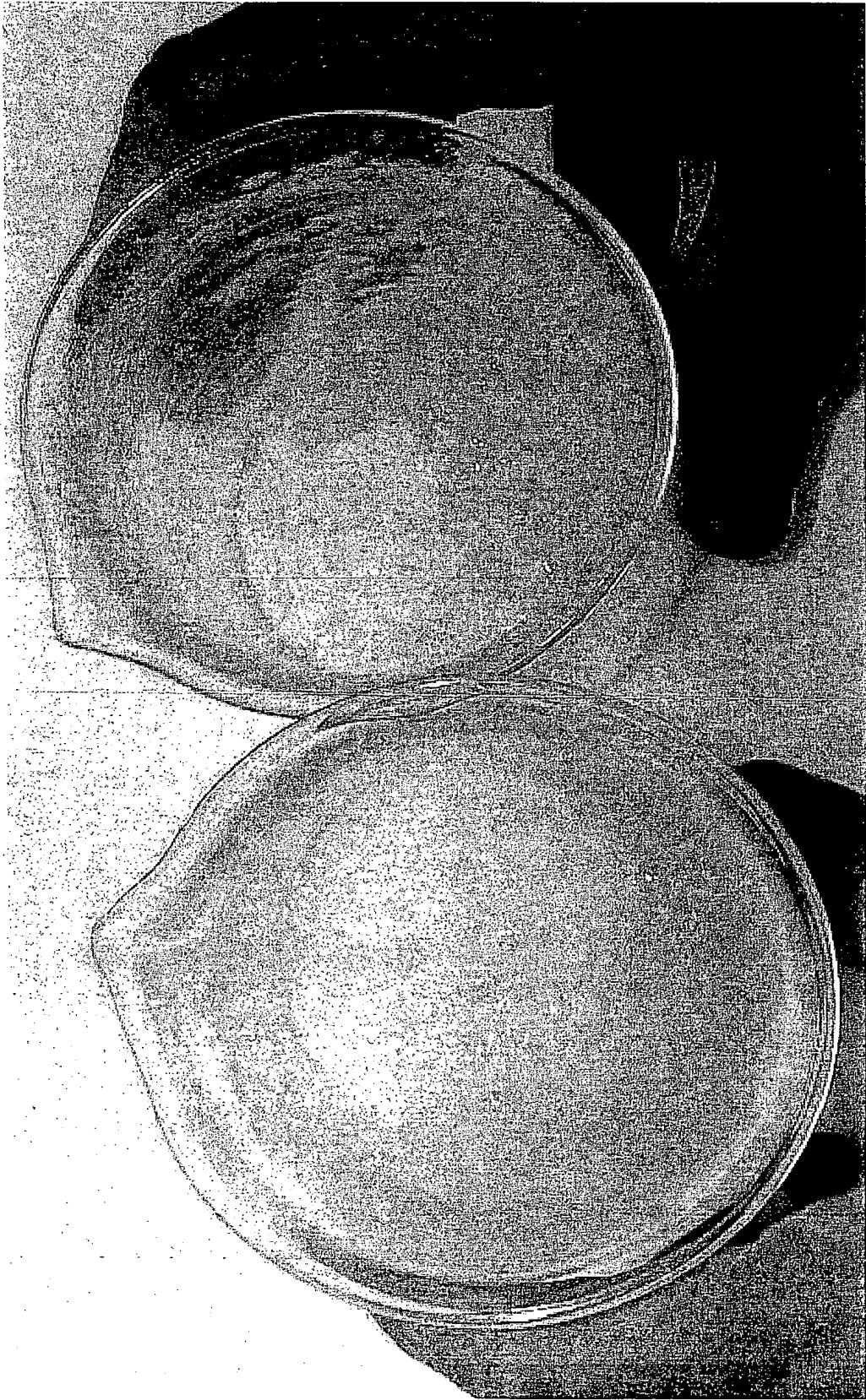
Solution 2

BEST AVAILABLE COPY

Solution 1



FIGURE II



Solution 2

BEST AVAILABLE COPY

Solution 1

O I P E
JUL 29 2005
PATENT & TRADEMARK OFFICE
GCT